

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID COCHRAN,

Plaintiff,

v.

No. 1:04-cv-666
(C.J. Scullin)

GEORGE THOMAIDES, et al,

Defendants.

APPEARANCES:

OF COUNSEL

DAVID COCHRAN
Plaintiff pro se

MAYNARD O'CONNOR LAW FIRM
Attorneys for Defendants

EDWIN J. TOBIN, JR., ESQ.

FREDERICK J. SCULLIN, JR., S.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed November 30, 2005, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is hereby

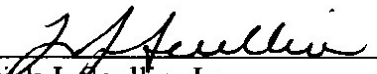
ORDERED, that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed November 30, 2005 is **ACCEPTED** in its

entirety, for the reasons stated therein and it is further

ORDERED, that the defendants' motion to dismiss is **DENIED**.

IT IS SO ORDERED.

Dated: September 19, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge